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Proposed Counsel for The Original Mowbray's  
Tree Service, Inc., Debtor and Debtor-In-  
Possession

**UNITED STATES BANKRUPTCY COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**  
**SANTA ANA DIVISION**

In re:  
  
THE ORIGINAL MOWBRAY'S TREE  
SERVICE, INC.,  
  
Debtor and Debtor-In-Possession.

Case No. 8:24-bk-12674-TA

Chapter 11

**MOTION FOR ORDER AUTHORIZING  
EXTENSION OF DEADLINE TO FILE  
SCHEDULES, STATEMENT OF  
FINANCIAL AFFAIRS, AND RELATED  
DOCUMENTS PURSUANT TO  
FEDERAL RULE OF BANKRUPTCY  
PROCEDURE 1007(c); MEMORANDUM  
OF POINTS AND AUTHORITIES; AND  
DECLARATION OF BRIAN WEISS IN  
SUPPORT THEREOF**

[No Hearing Required Pursuant to Local  
Bankruptcy Rule 90131(p)]

**TO THE HONORABLE THEODOR C. ALBERT, UNITED STATES BANKRUPTCY  
JUDGE, AND ALL INTERESTED PARTIES:**

The Original Mowbray's Tree Service, Inc., the debtor and debtor-in-possession in the  
above-captioned case (the "**Debtor**"), hereby submits this *Motion for Order Authorizing Extension  
of Deadline to File Schedules, Statement of Financial Affairs, and Related Documents Pursuant to  
Federal Rule of Bankruptcy Procedure 1007(c)* (the "**Motion**"). In support of the Motion, the

Debtor submits the following memorandum of points and authorities and the attached declaration of Brian Weiss.

## **MEMORANDUM OF POINTS AND AUTHORITIES**

### **I. BACKGROUND**

On October 18, 2024 (the "**Petition Date**"), the Debtor filed a voluntary petition for relief under chapter 11 of Title 11 of the United States Code (the "**Bankruptcy Code**") commencing the above-captioned chapter 11 case (the "**Chapter 11 Case**" or "**Case**"). The Debtor is operating as debtor in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. No request for the appointment of a trustee or examiner has been made in this Case and no official committees have been appointed or designated.

Established in 1972 by Gloria and John Mowbray (the "**Founders**"), the Debtor has been a cornerstone in California for providing vegetation management services for over 50 years. The Debtor began as a modest venture and has grown into a resilient company, dedicated to safeguarding communities and the environment. The Debtor continues to be a family owned and operated business, is a member of WMBE (Women and Minority Business Enterprise), and is committed to providing its client-partners with the safest and most efficient solution to their vegetation management needs.

The services provided by the Debtor include, without limitation, manual and mechanical clearing, integrated vegetation management, storm and emergency, right-of-way maintenance, and high-hazard tree removal and crane services (collectively, "**Vegetation Management Services**"). Tree-trimming around power lines, clearing vegetation to prevent forest fires, removal of debris and charred remains after major wildfires in California, and assisting with damage remediation in response to hurricanes—these are the types of important services that the Debtor provides to the communities in which it serves. Historically, utility companies have been the Debtor's primary clients. The Debtor also provides services to governmental agencies and cooperatives.

1 The Debtor is based in California and provides Vegetation Management Services  
2 throughout the state. The Debtor also provides services and has an equipment yard in Ft. White,  
3 Florida. The Debtor's work outside of California has recently expanded in magnitude and scope  
4 due to the disaster relief efforts in response to Tropical Storm Helene and Hurricane Milton. The  
5 Debtor's services in Florida have increased and the Debtor has recently begun providing services  
6 in North Carolina as well. The Debtor has mobilized multiple trucks and crews for FEMA in both  
7 North Carolina and Florida.

8 The Debtor is currently owned by Robin Mowbray, the youngest daughter of the Founders.  
9 Since 2021, Ms. Mowbray has been the Chairwoman of the Debtor's Board. Richard Mowbray  
10 (grandson of the Founders) has been the Debtor's Chief Executive Officer since 2020. Ruben  
11 Saines has served as the Debtor's CFO for approximately a year. Prior to the Petition Date, the  
12 Debtor retained Brian Weiss of Force 10 Partners as its Chief Restructuring Officer ("CRO") to  
13 lead the Debtor through its formal restructuring process, including this case.

14 A more fulsome discussion of the Debtor's operations, structure, and liabilities, and the  
15 events leading to the commencement of this case are set forth in *Declaration of Ruben Sainos in*  
16 *Support of Chapter 11 Petition and First Day Pleadings* [Docket No. 3], which is incorporated  
17 herein by reference.

18  
19 **II. CAUSE EXISTS TO EXTEND THE DEADLINE FOR THE DEBTOR TO FILE ITS**  
20 **SCHEDULES, STATEMENT OF FINANCIAL AFFAIRS, AND OTHER CASE**  
21 **COMMENCEMENT DOCUMENTS**

22 Federal Rule of Bankruptcy Procedure ("FRBP") 1007(c) requires the Debtor to file its  
23 schedules, statement of financial affairs, and the documents required by such rule (collectively, the  
24 "Schedules") no later than 14 days after the filing of the petition, or November 1, 2024. *See* Fed.  
25 R. Bankr. P. 1007(c). FRBP 1007(c) also contemplates that the deadline may be extended and  
26 provides that "any extension of time to file schedules, statements, and other documents required  
27 under this rule may be granted only on motion for cause shown . . . ." *See id.*

1 Cause exists to extend the deadline under the circumstances. The Debtor has a small  
2 accounting department that has been focused on preparing the 7-day package, other compliance  
3 items required by the Office of the United States Trustee, and closing its pre-petition books up to  
4 and including as of the Petition Date. The closing of its accounting records is needed to accurately  
5 complete the Schedules. While the Debtor has now turned its attention to completing the  
6 Schedules, it needs additional time to complete them and to allow the CRO and the Debtor's  
7 counsel to review them. Accordingly, the Debtor submits that cause exists to grant the requested  
8 extension.

9  
10 **III. CONCLUSION**

11 Based on the foregoing, the Debtor respectfully requests that the Court enter an order  
12 authorizing a 14-day extension of the deadline, to and including, November 15, 2024, for the  
13 Debtor to file its Schedules.

14  
15 Respectfully submitted,  
16 DATED: October 31 , 2024 **RAINES FELDMAN LITRELL LLP**

17  
18 By: /s/ Robert S. Marticello  
19 ROBERT S. MARTICELLO

20 *Proposed Counsel to the Debtor and Debtor-In-*  
21 *Possession*  
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**DECLARATION OF BRIAN WEISS**

I, Brian Weiss, declare as follows:

1. I am the Chief Restructuring Officer ("**CRO**") of The Original Mowbray's Tree Service, Inc., a California limited liability company, the debtor and debtor-in-possession in the above-captioned case (the "**Debtor**"). I know each of the following facts to be true of my own personal knowledge, except as otherwise stated and, if called as a witness, I could and would competently testify with respect thereto. I make this declaration in support of the *Motion for Order Authorizing Extension of Deadline to File Schedules, Statement of Financial Affairs, and Related Documents Pursuant to Federal Rule of Bankruptcy Procedure 1007(c)* (the "**Motion**").

Unless otherwise defined in this declaration, all terms defined in the Motion are incorporated herein by this reference.

2. The Debtor filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code on October 18, 2024. I believe cause exists to grant a short extension of the deadline for the Debtor to file its schedules, statement of financial affairs, and the other related documents set forth in Rule 1007(c), from November 1, 2024 to November 15, 2024.

3. The Debtor has a small accounting department that has been focused on preparing the 7-day package, other compliance items required by the Office of the United States Trustee, and closing its pre-petition books up to and including as of the Petition Date. The closing of its accounting records is needed to accurately complete the Schedules. While the Debtor has now turned its attention to completing the Schedules, it needs additional time to complete them and to allow me, as CRO, and the Debtor's counsel to review them.

4. Accordingly, the Debtor needs additional time to complete the Statement of Assets and Liabilities and Statement of Financial Affairs.

1 I declare under penalty of perjury under the laws of the United States of America that the  
2 foregoing is true and correct.

3 Executed on this 31<sup>st</sup> day of October, 2024.

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BRIAN WEISS

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

**3200 Park Center Drive, Suite 250, Costa Mesa, CA 92626.**

A true and correct copy of the foregoing document entitled (*specify*): **MOTION FOR ORDER AUTHORIZING EXTENSION OF DEADLINE TO FILE SCHEDULES, STATEMENT OF FINANCIAL AFFAIRS, AND RELATED DOCUMENTS PURSUANT TO FEDERAL RULE OF BANKRUPTCY PROCEDURE 1007(c); MEMORANDUM OF POINTS AND AUTHORITIES; AND DECLARATION OF BRIAN WEISS IN SUPPORT THEREOF** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) **11/1/2024**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

- Kenneth J Catanzarite kcatanzarite@catanzarite.com
- Nancy S Goldenberg nancy.goldenberg@usdoj.gov
- Alan Craig Hochheiser ahochheiser@mauricewutscher.com, arodriguez@mauricewutscher.com
- Robert S Marticello rmarticello@raineslaw.com, bclark@raineslaw.com; jfisher@raineslaw.com
- Amitkumar Sharma amit.sharma@aisinfo.com
- Michael Simon msimon@raineslaw.com, bclark@raineslaw.com; jfisher@raineslaw.com
- United States Trustee (SA) ustpreion16.sa.ecf@usdoj.gov
- Roye Zur rzur@elkinskalt.com,  
TParizad@elkinskalt.com; lwageman@elkinskalt.com; 1648609420@filings.docketbird.com

☐ Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On (*date*) **11/1/2024**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) **11/1/2024**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

**11/1/2024**

*Date*

Ja'Nita Fisher

*Printed Name*

*/s/ Ja'Nita Fisher*

*Signature*

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.